



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 771-00

11 May 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Marine Corps on 20 January 1954. Shortly thereafter, on 19 March 1954, you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) and were awarded extra duty for two weeks.

Your record reflects that on 21 February 1957 you were convicted by special court-martial (SPCM) of a 38 day period of UA. You were sentenced to reduction to paygrade E-1 and restriction for 30 days. On 12 August and 4 December 1957 you received NJP for two periods of absence from your appointed place of duty and a three day period of UA. On 19 December 1957 you were convicted by SPCM of a five day period of UA and sentenced to confinement at hard labor for 15 days and a \$50 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct. An administrative discharge board recommended an undesirable discharge, and the discharge authority directed your commanding officer to issue you an other than honorable discharge. On 1 April 1958 you were so discharged.

The Board, in its review of your entire record and application considered all mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct which resulted in four NJPs and two court-martial convictions. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director